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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/665,947 | 09/18/2003 | Hans Paller | 006593-2020 | 6530 |

33375 7590 04/14/2006

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DAYTON, OH 45401-8801

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| EXAMINER |
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PELHAM, JOSEPH MOORE

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| ART UNIT | PAPER NUMBER |
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3742

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/665,947 | Applicant(s) PALLER, HANS | |
| | Examiner Joseph M. Pelham | Art Unit 3742 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-22,25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8-10,23,24 and 28 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/23/06, 3/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3742

The Examiner acknowledges Applicant's submission of the amendment filed 1/23/06. Claims 1, 2, 4-26, and 28 are now pending.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4, 8-10, 23, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's acknowledged prior art in view of US Pat. 5497760 (US'760).

The acknowledged prior art, at pages 1-2, page 5 (paragraph 0016), and Figs. 4A & 4B, discloses a rack oven largely as claimed, including a heat exchanger and convection means, and rotating or wheeled rack means. Moreover, steam supply means are well known and conventional means to avoid drying food items in a convection oven, and hence would have been an obvious adjunct. The claims differ substantively from the acknowledged prior art only in that the latter does not explicitly disclose vertical slot means adjacent a rear wall and the oven front, a vane that overlaps the facing wall, and directing air flow along a the walls.

Referring to Fig. 3 and col. 5, lines 12-38, US'760 discloses vertical slot means 56 directing air flow along a rear wall and the oven front, and a vane that overlaps the facing wall (bent edge portion of separating wall 46). It would have been obvious to adapt the convection means of US'234 to the prior art oven since US'234 teaches such to enhance heating uniformity.

Regarding claim 23, the air is "directed...away from the...opposite" side wall because the two stream collide there and begin their movement back to the heat exchanger.

Allowable Subject Matter

Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-22, 25 and 26 are allowed.

Response to Arguments

Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

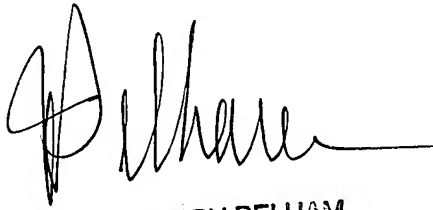
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax

Art Unit: 3742

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/4/06

A handwritten signature in black ink, appearing to read 'J. Pelham', with a long horizontal stroke extending to the right.

JOSEPH PELHAM
PRIMARY EXAMINER